IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

        Tamaki NAKAMURA

Application No.: 10/668,199	Confirmation No.: 4107
Filed: September 24, 2003	Art Unit: 2622
For: ELECTRONIC APPARATUS	Examiner: C. PETERSON

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REVIEW

MS AF
Commissioner for Patents
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Sir:

     In addition to the Notice of Appeal which is being concurrently filed, Applicant respectfully request a Pre-Appeal Brief Conference to consider the issues raised in the Office Action dated July 14, 2010, that finally rejected claims 1-7.

Rejection Under 35 U.S.C. § 103(a)

     The Examiner has rejected claims 1-3 and 5-7 under the provisions of 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication 2002/0001395 (Davis) in view of U.S. Application Publication 2003/0058354 (Parulski) and further in view of U.S. Application Publication 2002/0030675 (Kawai). Applicant respectfully submits that claims 1-3 and 5-7 are patentable over the cited prior art references.

     Applicant notes that the Davis reference, as well as a reference to Tsang (U.S. Patent 6,510,002), have not been made of record by the Examiner. **Applicant requests that the Examiner fulfill his obligation by making these references of record in the application.**

The Rejection Confounds "steganographic" of Davis and "stereograph" of the Invention

     Davis discloses "encoding and authenticating data associated with media signal objects like

images, audio, computer generated graphics, video, etc." (Davis [0002]), by means of "steganographic embedding by digital watermarking" (Davis [0005]). The rejection indicates that the Examiner does not understand that "steganographic" and "stereograph" are not the same.

The Examiner's confusion is evident in previous Office Actions. In the January 2009 Office Action, the Examiner had originally stated that "Davis teaches a steganographic encoder may be located within the camera." (Office Action of January 22, 2009, at page 3, lines 6-7). In the next Office Action, this statement was changed to replace "steganographic" with "stereographic." (Office Action of June 25, 2009, at page 3, lines 6-7, and all subsequent Office Actions). This interchange between these two words indicates that the Examiner does not distinguish "steganographic" and "stereographic."

As pointed in the rejection, Davis mentions "3 dimensional model" (Davis [0015], [0177]). However, this disclosure of "3 dimensional model" is for purposes of explaining that it is possible to apply the steganographic technology to a 3 dimension model. Subsequently, metadata as disclosed in Davis is for authenticating and does not pertain to 3 dimensional display.

For at least these reasons, Applicant submits that the rejection is improper and must be withdrawn.

The Structure of the Claimed Invention is Not Taught In the Combination of Prior Art References

Present Invention

The following features are recited in the present claims:

a. the claimed "attributes" include "dimensional information of the image data." (PG Pub [0064]) which is obtained by analyzing and extracting the filename and the image data (as recited in claim 1).

b. as recited in claim 1, the image data, the attributes and the thumbnail image data are memorized in the first memory as a single file.

c. in addition, the attributes are memorized in the second memory included in the electronic apparatus (claim 1).

d. the display section displays the image represented by the image data in a two dimensional mode or a three dimensional mode according to the dimensional information included in the attributes.

e. the image is displayed in three dimensions by making a data set for another eye when the original image data is two dimensional image data (claim 7).

<u>Davis</u>

Differences between claimed invention over Davis are as follows,

a'. the auxiliary data that the Examiner alleges as teaching the claimed attributes, is embedded in the image as a watermark signal (Davis [0096]), is for purposes of authenticating [0015] – [0017]) and does not include "dimensional information." In addition, the auxiliary data is not extracted from the respective image data, but is obtained from memory, or some other device in the camera ([0097]).

c'. the rejection alleges that Davis teaches "metadata server" as the claimed second memory. Applicant submits that the "metadata server" does not correspond to the claimed second memory. As described in [0139] of Davis, the

"metadata stored within the image file, yet outside the image, is vulnerable to intentional and unintentional manipulation. Whenever an application or device processes the image, it may remove or alter the associated metadata. One solution is to store the metadata separately from the image".

In other words, the metadata server is not used at the same time as the first memory in Davis. In addition, the metadata server is a separate component from the apparatus.

d'. In Davis, no description is provided for "three dimensional display for stereoscopic view".

The rejection alleges that this feature is taught in [0039] and [0177] of Davis. Applicant submits that this is incorrect. Though "display mode" is described in [0039], the description indicates that "display mode" means that the camera has operating modes and display modes, that have no relation to switching of two or three dimensional display of the claimed invention. Similarly, in [0177], Davis merely discloses that it is possible to apply the authentication utilizing watermark to computer graphics models (e.g., two-dimensional, three-dimensional graphical models and animation). Davis does not disclose "switching of display dimension by information included in the attribute."

Kawai

Differences between claimed invention and Kawai are as follows,

a". The dimension related information in Kawai is previously stored in respective display device as display device information ([0056]) and it is not extracted from the image data by analyzing.

b". The dimension related information is not memorized with the image data as a single file because the image data is stored in 3D data base 3 in Kawai.

d". Display dimension in Kawai is fixed for respective display device and switching of it in a specific display would be unnecessary ([0056]) in Kawai.

e". With respect to claim 7, Applicant submits that Kawai does not disclose the claimed "generation of three dimensional image data from two dimensional image data". Paragraph 0080 of Kawai, which the Examiner asserts as teaching this feature, states "stereoscopic image creation from an image in the VRML format." Applicant submits that VRML format is not "two dimensional display data" but three dimensional display data that does not use datasets for respective right and left eyes.

Paragraph 0083 of Kawai, which the Examiner also asserts as teaching this feature, states "In the case where a stereoscopic display device other than the device designed to display two-viewpoint images, such as a hologram device, is used, a 2D scene is rendered or converted into a

data format suitable for that stereoscopic display device." In other words, a 2D scene is rendered or other suitable data is formed when the display device is a holography device because holography does not use two-view point image.

In other words, for a hologram device, two-view point three dimensional data is down rendered to two dimensional scene or a new three dimensional data is formed for holography.

At least because of the above stated deficiencies in the cited references, the combination of Davis, Parulski and Kawai would not result in the claimed invention. Accordingly, the Examiner's rejection is in error and must be withdrawn.

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Respectfully submitted,

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